

STATE OF NEW YORK

6597

2017-2018 Regular Sessions

IN SENATE

June 6, 2017

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to requiring immediate notification by law enforcement of an employee's arrest involving allegations of a sex offense

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 3021-a
2 to read follows:

3 § 3021-a. Notification of arrest for sex offense. 1. For purposes of
4 this section:

5 (a) The term "employee" means any person receiving compensation from a
6 school district, charter school, board of cooperative educational
7 services, private elementary or secondary school, special education
8 schools, or employee of a contracted service provider or worker placed
9 within the school under a public assistance employment program pursuant
10 to title nine-B of article five of the social services law, and consist-
11 ent with the provisions of such title for the provision of services to
12 such district or school, its students or employees, directly or through
13 contract, whereby such services performed by such person involved direct
14 student contact.

15 (b) The term "sex offense" means any offense set forth in articles one
16 hundred thirty or two hundred sixty-three of the penal law, and any
17 offense committed in any jurisdiction for which the offender is required
18 to register as a sex offender in New York.

19 2. Where an arrest has been made by law enforcement of an employee
20 involving allegations of a sex offense it is the responsibility of law
21 enforcement to immediately notify the superintendent of schools or
22 school administrator of any school district, charter school, board of
23 cooperative educational services, private elementary or secondary
24 school, or special education schools, that employs the employee, of the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13055-01-7

1 arrest and all relevant public information pending indictment or the
2 filing of an accusatory instrument against the employee.

3 3. No cause of action against law enforcement or school district shall
4 exist for damages related to the dissemination of criminal history or
5 arrest records pursuant to this section when law enforcement or the
6 employer has acted in good faith upon such information.

7 § 2. This act shall take effect immediately.